

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CIVIL CASE: 3:08cv241-RJC

WAYNE CARROTHERS, JR.,)	
)	
Plaintiff,)	
)	
v.)	ORDER
)	
ROBERT W. HONEYCUTT, et al.,)	
)	
Defendants.)	
)	

THIS MATTER comes before the Court upon its own motion.

On May 27, 2008, Plaintiff filed a Complaint pursuant to 42 U.S.C. § 1983. On July 17, 2008, Defendants Shields, King, Thompson, and Barry filed a motion to stay proceedings in this matter until related state court criminal proceedings concluded.¹ (Doc. No. 14). The Court granted a 90-day stay, and twice ordered Defendants to provide the Court with status updates. (Doc. Nos. 17, 19). Status updates advising that the criminal matters remained unresolved were filed by Defendants on November 24, 2008 and February 2, 2010. (Doc. Nos. 18, 20).

On January 11, 2011, the Court ordered another status update from Defendants. (Doc. No. 24). On January 21, 2011, counsel for Defendants reported to the Court that although Plaintiff entered guilty pleas on June 4, 2010 to two of the related state criminal counts, he has appealed his convictions. (Doc. No. 25). Defendants, citing the same concerns that they had raised in the original motion for a stay in the proceedings (Doc. No. 14), requested that the stay previously entered by the Court remain in place (Doc. No. 25).

¹Defendant Honeycutt filed a Response joining in the motion to stay the proceedings. (Doc. No. 15).

After a review of the record, the Court, in its discretion and for good cause shown, finds that Defendants' request that the previously-entered stay remain in place is reasonable. See Wallace v. Kato, 549 U.S. 384, 393-94 (2007) (observing that "it is within the power of the district court, and in accord with common practice, to stay the civil action until the criminal case or the likelihood of a criminal case is ended") (citation omitted). Therefore, the stay shall be extended pending direct review of Plaintiff's related state criminal cases.

IT IS THEREFORE ORDERED THAT the stay entered by this Court on August 28, 2008 (Doc. No. 25) shall be extended and remain in place throughout direct review of Plaintiff's related state criminal cases..

IT IS FURTHER ORDERED THAT counsel for Defendants shall notify the Court of completion of direct review of Plaintiff's related state criminal cases within fourteen (14) days of either the final judicial action on direct review or the expiration of the date upon which Plaintiff could have, but did not, seek further review by a higher court. .

Signed: February 8, 2011



Robert J. Conrad, Jr.
Chief United States District Judge
